

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RANDY A. MUDGE,

Plaintiff,

-v-

1:13-CV-891

ANNE M. ZUGALLA and DANIEL HARDER,<sup>1</sup>

Defendants.

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APPEARANCES:

COOPER ERVING & SAVAGE LLP  
Attorneys for Plaintiff  
39 North Pearl Street, 4<sup>th</sup> Floor  
Albany, NY 12207

HON. LETITIA JAMES  
Attorney General for the State of New York  
Attorney for Defendants  
The Capitol  
Albany, NY 12224

DAVID N. HURD  
United States District Judge

OF COUNSEL:

PHILLIP G. STECK, ESQ.

LYNN MARIE KNAPP, ESQ.  
Ass't Attorney General

**ORDER**

Randy Mudge ("plaintiff" or "Mudge"), a former substitute teacher in the Middleburgh Central School District, a public school district located in Middleburgh, New York, alleged

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<sup>1</sup> The Clerk is directed to amend the docket to reflect that defendants "John B. King, Jr. Commissioner of the New York State Department of Education in his official capacity" and "Commissioner of the New York State Department of Education" were dismissed as a result of the March 31, 2018 Memorandum–Decision and Order. Dkt. 70.

inter alia, that New York State Department of Education employees violated his due process rights and defamed him when he was unlawfully terminated from his position. Mudge brought suit against a variety of individuals and entities allegedly involved in his termination, including Anne M. Zugalla and Daniel Harder, employees of the New York State Department of Education (collectively "defendants").

On January 6, 2016, the Court issued a Memorandum-Decision and Order granting in part and denying in part defendants' motion for summary judgment. Mudge v. Zugalla, No. 113CV0891, 2016 WL 11623712 (N.D.N.Y. Jan. 6, 2016). Defendants thereafter moved for reconsideration on a variety of issues. On March 31, 2018, the Court issued a Memorandum-Decision and Order granting in part and denying in part defendants' motion for reconsideration. Mudge v. Zugalla, No. 113CV0891, --- F. Supp. 3d ----, 2018 WL 9606633 (N.D.N.Y. Mar. 31, 2018). Relevant here, the Court denied Zugalla and Harder's request for qualified immunity. Id. at \*5. Defendants appealed the denial of their motion for summary judgment based on qualified immunity to the United States Court of Appeals for the Second Circuit. This otherwise trial ready case was stayed pending the outcome of the appeal.

On September 12, 2019, the Second Circuit reversed the denial of summary judgment to defendants Zugalla and Harder on plaintiff's § 1983 claims and remanded to this Court for further proceedings consistent with that decision. Mudge v. Zugalla, No. 18-1298-CV, --- F.3d ---- , 2019 WL 4308622 (2d Cir. Sept. 12, 2019). The Second Circuit issued a Certified copy of the decision the same day, and it was entered on this Court's docket the following day, September 13, 2019. Dkt. No. 75.

In accordance with the Second Circuit's September 12, 2019 ruling, summary judgment on qualified immunity is granted to defendants Zugalla and Harder and plaintiff's

§ 1983 claims against them will be dismissed. As these were the only remaining defendants in this matter, the Amended Complaint will be dismissed in its entirety and this case will be closed.

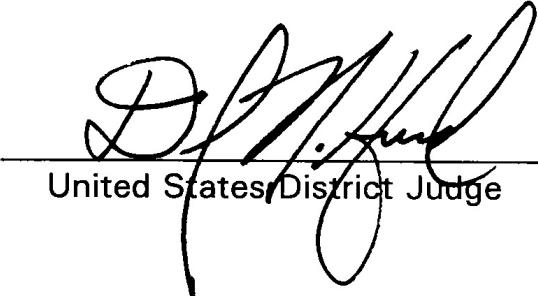
Therefore, it is

ORDERED that

1. Defendants Anne M. Zugalla and Daniel Harder's motion for summary judgment on qualified immunity grounds is GRANTED; and
2. The Amended Complaint is DISMISSED as to defendants Anne M. Zugalla and Daniel Harder.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: September 18, 2019  
Utica, New York.